

SENATE BILL 770

E1, P4

3lr2802
CF 3lr1578

By: **Senators Raskin, Colburn, King, Madaleno, Montgomery, Robey, and Young**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Fraudulent Liens – Prohibition**

3 FOR the purpose of prohibiting a person from filing certain liens or encumbrances
4 against certain individuals under certain circumstances; providing for penalties
5 for a violation of this Act; defining certain terms; and generally relating to
6 fraudulent liens.

7 BY adding to

8 Article – Criminal Law

9 Section 3–807

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2012 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Criminal Law**

15 **3–807.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
17 **MEANINGS INDICATED.**

18 **(2) “PUBLIC EMPLOYEE” MEANS A PERSON EMPLOYED BY:**

19 **(I) THE EXECUTIVE, LEGISLATIVE, OR JUDICIAL BRANCH**
20 **OF STATE GOVERNMENT;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) A DEPARTMENT, A BOARD, A BUREAU, AN AGENCY, OR A**
2 **COMMISSION OF THE STATE; OR**

3 **(III) A COUNTY, MUNICIPALITY, OR LOCAL BOARD OF**
4 **EDUCATION IN THE STATE;**

5 **(IV) A BI-COUNTY AGENCY; OR**

6 **(V) A STATE LAW ENFORCEMENT AGENCY.**

7 **(3) "PUBLIC OFFICER" INCLUDES:**

8 **(I) A CONSTITUTIONAL OFFICER;**

9 **(II) AN ELECTED STATE OFFICIAL;**

10 **(III) AN EXECUTIVE HEAD OF A STATE DEPARTMENT OR**
11 **AGENCY;**

12 **(IV) AN ELECTED MEMBER OF THE GENERAL ASSEMBLY;**

13 **(V) THE EXECUTIVE DIRECTOR OF A STATE BOARD,**
14 **COMMISSION, OR AUTHORITY;**

15 **(VI) A MEMBER OF A STATE BOARD, COMMISSION, OR**
16 **AUTHORITY;**

17 **(VII) AN ELECTED COUNTY OFFICIAL;**

18 **(VIII) AN ELECTED MEMBER OF A LOCAL BOARD OF**
19 **EDUCATION; AND**

20 **(IX) AN ELECTED MUNICIPAL OFFICIAL.**

21 **(B) A PERSON MAY NOT FILE A LIEN OR ENCUMBRANCE IN A PUBLIC OR**
22 **PRIVATE RECORD AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC**
23 **OFFICER OR PUBLIC EMPLOYEE IF:**

24 **(1) (I) THE LIEN WAS FILED IN RESPONSE TO THE**
25 **PERFORMANCE OF THE PUBLIC OFFICER'S OR PUBLIC EMPLOYEE'S OFFICIAL**
26 **DUTIES; OR**

1 **(II) THE LIEN WAS FILED IN RESPONSE TO AN INDIVIDUAL**
2 **FILING A COMPLAINT WITH OR REQUESTING OFFICIAL ACTION BY A PUBLIC**
3 **OFFICER OR A PUBLIC EMPLOYEE; AND**

4 **(2) THE PERSON KNOWS OR HAS REASON TO KNOW THAT THE**
5 **LIEN OR ENCUMBRANCE IS:**

6 **(I) FALSE; OR**

7 **(II) CONTAINS OR IS BASED ON A MATERIALLY FALSE,**
8 **FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION.**

9 **(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY**
10 **AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT LESS THAN 1 YEAR**
11 **BUT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2013.